

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ANASTASIA HINDS and JESSICA

HINDS,

Plaintiffs,

VS.

MITCHERAL HOGAN, BULK LYFE

INDUSTRIES, LLC, and OAKLEY

TRUCKING, INC,

Defendants.

CIVIL ACTION NO.

HON.

DEFENDANT'S NOTICE OF REMOVAL

PLEASE TAKE NOTICE that the Defendants, Mitcheral Hogan, Bulk Lyfe Industries, LLC and Oakley Trucking, Inc., pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, file this Notice of Removal of the above-captioned action from the State Superior Court of DeKalb County, Georgia, in which court it is now pending, to the United States District Court for the Northern District of Georgia, Atlanta Division. This removal is predicated upon this Honorable Court's original

jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because complete diversity exists between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

PROCEDURAL HISTORY

1. On January 17th, 2022, the Plaintiffs filed a Complaint for Damages (“Complaint”) in the Superior State Court of Dekalb County, Georgia, in the case styled *Anastasia Hinds et. al. vs. Mitcheral Hogan, et al.*, Civil Action File No. 22CV1351.

2. On April 5th, 2022, an executed Affidavit of Service for Defendants, Mitcheral Hogan, Bulk Lyfe Industries, LLC and Oakley Trucking, Inc. was filed with the Superior State Court of DeKalb County on April 5th, 2022.

3. Plaintiffs have not properly served Defendant Oakley Trucking with a copy of Plaintiff’s Complaint (the “Complaint”).

4. Pursuant to 28 U.S.C. § 1466(b), this Notice of Removal is timely filed.

5. This Court is the district and division “embracing the place where [the state court] action is pending” under 28 U.S.C. § 1441(a), as the State Court of Gwinnett County is located in the Atlanta Division of the Northern District of Georgia.

6. Attached to this Notice of Removal are copies of all pleadings and orders on file in the state court proceeding. *See* State Court Record attached *in globo* as Exhibit A.

DIVERSITY JURISDICTION

This suit is removable to this Court under and by virtue of 28 U.S.C. § 1332, which provides federal district courts with original jurisdiction in cases where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

7. Plaintiff, Anastasia Hinds alleged she is a citizen of Rockdale County, Georgia. *See* Plaintiff's Complaint, ¶ 1. Thus, Plaintiff is a citizen of the State of Georgia.

8. Plaintiff, Jessica Hinds alleged she is a citizen of Rockdale County, Georgia. *See* Plaintiff's Complaint, ¶ 2. Thus, Plaintiff is a citizen of the State of Georgia.

9. Defendant, Mitcheral Hogan, is a citizen of the State of Florida. Thus Defendant, Hogan, is not a citizen in the State of Georgia. *See* Plaintiff's Complaint, ¶ 3.

10. Defendant, Bulk Lyfe Industries, LLC, is a Domestic Limited Liability Corporation, with its principal place of business in the State of Florida.

Thus, Defendant, Bulk Lyfe Industries, LLC, is not a citizen of Georgia. *See* Plaintiff's Complaint, ¶ 4.

11. Defendant, Oakley Trucking, Inc., is a citizen of the State of Arkansas. Thus, Defendant, Oakley Trucking, Inc., is not a citizen in Georgia. *See* Plaintiff's Complaint, ¶ 5.

12. Accordingly, complete diversity exists under 28 U.S.C. § 1332 and all relevant case law.

AMOUNT IN CONTROVERSY

13. Pursuant to 28 U.S.C. § 1332(a), the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, for the following reasons.

14. Plaintiff's seeks damages relating to a motor vehicle accident that took place on Interstate 285 near Interstate 20 East in, DeKalb County, Georgia. The relief that the Plaintiff's seek includes past and future medical expenses, past and future injuries and damages, and other relief the court deems just and proper such as punitive damages, attorney's fees and expenses of litigation, court costs, discretionary costs, and pre-judgment interest. *See* Plaintiff's Complaint.

15. Upon information and belief, Plaintiff's seek damages that exceed \$75,000 as Plaintiff's made a pre-suit settlement demand well in excess of that

amount in which they also claimed medical expenses in excess of \$100,000.

16. While Defendant's deny the allegations of the Plaintiff's Complaint, and deny liability to the Plaintiff's, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

17. A Notice of Filing Notice of Removal will be filed in state court as required by 28 U.S.C. § 1446(d) and served on all counsel of record upon the filing of this Notice of Removal.

WHEREFORE, Defendants Mitcheral Hogan, Bulk Lyfe Industries, LLC and Oakley Trucking, Inc., prays that this Notice of Removal be filed in accordance with applicable law and that it be deemed good and sufficient, and that the above-captioned matter filed in the State Court of Fulton County, Georgia, be removed to this Honorable Court for discovery, trial, and determination as provided by law, and that this Court enter such orders and issue process as may be proper to bring before it copies of all records and proceedings from the State Court of Fulton County, Georgia, and take jurisdiction of this civil action as if it had originally commenced in this Honorable Court to the exclusion of any further proceedings in state court.

Respectfully submitted,

/s/ Todd M. Ladouceur

TODD M. LADOUCEUR
GEORGIA BAR NO.: 430580
tladouceur@gallowaylawfirm.com
TUJUANA S. MCGEE
GEORGIA BAR NO.: 185766
tmcgee@gallowaylawfirm.com

GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH
A Professional Law Corporation
990 Hammond Drive, Suite 210
Atlanta, Georgia 30328
Telephone: (678) 951-5100
Facsimile: (678) 951-1510
tmlgaservice@gallowaylawfirm.com
**Attorney for Defendants, Mitcheral Hogan,
Bulk Lyfe Industries, LLC and Oakley Trucking, Inc.**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ANASTASIA HINDS and JESSICA

HINDS,

Plaintiffs,

VS.

MITCHERAL HOGAN, BULK LYFE

INDUSTRIES, LLC, and OAKLEY

TRUCKING, INC,

Defendants.

CIVIL ACTION NO.

HON.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all counsel of record by electronic mail and/or by depositing same in the United States Mail, properly addressed and postage prepaid, this 5th day of May, 2022, as follows:

C. Napoleon Barnwell
Georgia Bar No.: 728188
BROWN BARNWELL, P.C.
5805 State Bridge Road, Suite G349
Johns Creek, GA 30097
Attorneys for Plaintiff

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

/s/ Todd M. Ladouceur

TODD M. LADOUCEUR
GEORGIA BAR NO.: 430580
tladouceur@gallowaylawfirm.com
TUJUANA S. MCGEE
GEORGIA BAR NO.: 185766
tmcgee@gallowaylawfirm.com

GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH
A Professional Law Corporation
990 Hammond Drive, Suite 210
Atlanta, Georgia 30328
Telephone: (678) 951-5100
Facsimile: (678) 951-1510
tmlgaservice@gallowaylawfirm.com
**Attorney for Defendants, Mitcheral Hogan,
Bulk Lyfe Industries, LLC and Oakley Trucking, Inc.**